

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

SAMUEL H. CARR)
v.)
APRIL BOLIN, MICHELE EADES and) No. 3:09-0420
THE TENNESSEAN) Judge Trauger
)

MEMORANDUM and ORDER

On June 9, 2009, the Magistrate Judge issued a Report and Recommendation (Docket No. 5), to which the *pro se* plaintiff has filed timely Objections (Docket No. 7).

Pursuant to Rule 72(b), FED. R. CIV. P., and 28 U.S.C. § 636(b)(1)(C), this court must review *de novo* any portion of the Report and Recommendation to which a specific objection is made. *United States v. Curtis*, 237 F.3d 598, 603 (6th Cir. 2001); *Massey v. City of Ferndale*, 7 F.3d 506, 510 (6th Cir. 1993).

In his objections, the plaintiff makes very clear that he is not asserting any kind of an employment discrimination claim but that, rather, he is asserting a violation of his rights to equal protection and due process under the United States Constitution in connection with the actions of the defendants during the proceeding wherein he was denied unemployment benefits. He clarifies that he is not attempting to relitigate the denial of unemployment benefits but asserts that the denial of his federally protected rights occurred within this unemployment proceeding.

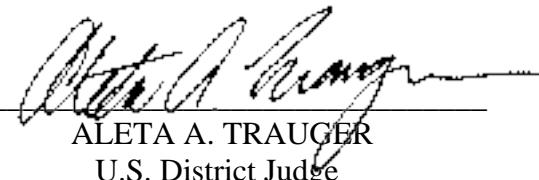
Unfortunately for the plaintiff, this court only has jurisdiction to consider the denial of these federal rights by “state actors,” and the Magistrate Judge correctly found that none of the named

defendants herein is a state actor. The plaintiff does not, and cannot, make a valid claim that these defendants are state actors and, therefore, the plaintiff's objections must be overruled.

For the reasons expressed herein, the plaintiff's Objections (Docket No. 7) are **DENIED**. The Report and Recommendation (Docket No. 5) is **ACCEPTED** and made the findings of fact and conclusions of law of this court. For the reasons expressed therein and herein, it is hereby **ORDERED** that this case is **DISMISSED** as frivolous. The court finds that any appeal from this ruling will not be taken in good faith under *Coppedge v. United States*, 369 U.S. 438 (1962).

It is so **ORDERED**.

ENTER this 7th day of July 2009.



ALETA A. TRAUGER
U.S. District Judge